

JUN 07 2004

OFFICIAL

Docket No. 740105-81

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gerd M. MÜLLER et al.

Serial No. 10/010,155

Filed: 12/10/2001

For: FIXATION ELEMENT FOR AN  
IMPLANTABLE MICROPHONE

)

) Group Art Unit: 2643

) Examiner: P.L. Dabney

) Confirmation No. 7221

)

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w/ 10/1  
OK

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: Fax No. (703) 872-9306 on June 7, 2004.

*Handwritten signature:* Kathleen M. McManus  
Kathleen M. McManus

ELECTION

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the election of species requirement contained in the Office Action mailed May 14, 2004, in connection with the above-identified application, applicant hereby elects the specie designated I, i.e., that of Figs. 1 & 2 and encompassed by claims 1-11. A prompt action on the merits of the elected embodiment is requested along with rejoinder of the claims non-elected species II & III should subgeneric claim 1 be found to be patentable.

Respectfully submitted,

*Handwritten signature:* David S. Safran  
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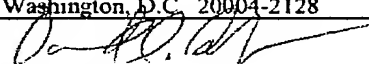
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/010,155	
	Filing Date	12/10/2001	
	First Named Inventor	Gerd M. MÜLLER et al.	
	Group Art Unit	2643	
	Examiner Name	P.L. Dabney	
Total Number of Pages in This Submission	2	Attorney Docket Number	740105-81

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Election <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Safran, Reg. No. 27,997 Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	June 7, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
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